

REPORT - PLANNING COMMISSION MEETING
August 28, 2003

Project Name and Number: Harshad Patel (PLN2001-00100)

Applicant: Harshad Patel

Proposal: A Planned District Minor Amendment for Site Plan and Architectural Approval of a new 6,289 square foot single-family dwelling (includes 935 square foot garage).

Recommended Action: Approve, subject to conditions

Location: 45670 Montclair Terrace
Montclair II, Lot 8, Tract 6854

Assessor Parcel Number: 513-0265-0036-00

Area: 18,698 square feet (.43 acres)

Owner: Harshad Patel

Agent of Applicant: James P. Gibbon, Architect & Planner

Consultant(s): James P. Gibbon, Architect & Planner

Environmental Review: This project is exempt under CEQA Section 15303(a); construction of a new single family residence.

Existing General Plan: Residential, Low (2-3.5 dwelling units per acre)

Existing Zoning: Planned District, P-96-12

Existing Land Use: Undeveloped

Public Hearing Notice: Public hearing notification is applicable. A total of 25 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: East Las Palmas Avenue, Melissa Terrace, Hawk court, Mission Boulevard, Aguila Terrace, Cougar Circle, Ewing Road, Montclair Court, Mowry Avenue and Dunhill Drive. The notices to owners and occupants were mailed on August 11, 2003. A Public Hearing Notice was delivered to The Argus on August 11, 2003 to be published by August 18, 2003.

Background and Previous Actions: On June 18, 1996, the City Council approved P-96-12 (Montclair II), a 17-lot subdivision for single family homes in the Mission San Jose Planning Area. The City Council approved P-96-12I, a Major Amendment to P-96-12 on July 28, 1998, which relocated wetbands and revised the previously approved grading plan, setbacks and development standards. Condition A-2 for the project required that all plans for individual homes be reviewed and approved by the Planning Commission. According to the Planned District, the primary issues of concern to be addressed by the Planning Commission in the review of the proposed residences shall be minimizing visual bulk and massing of residences (especially as viewed from adjacent properties).

On January 11, 2001, the Planning Commission held a public hearing to consider a minor amendment to P-96-12 for Site Plan and Architectural Review for a two-story, 6,492 square-foot single family dwelling, including a 732 square foot 3-car garage (a one-car garage and a two-car garage) on the subject lot. The applicant proposed a design that was influenced by Prairie style architecture. However, the Planning Commission felt that the design, bulk and mass of the proposed Prairie style residence was inconsistent with the design guidelines and conditions of the Planned District as well as the *Development Policy for Hill Area*, adopted by the City Council on March 27, 1990 (as further described under "Design Analysis"). The Planning Commission provided the applicant with specific direction and continued the project to a date uncertain for redesign.

Project Description: The applicant requests approval of a minor amendment to P-96-12 for site plan and architectural review for a split-level, 6,289 square-foot single family dwelling, including a 935 square foot 3-car garage (a one-car garage and a two-car garage) on a 18,698 square foot lot located on Montclair Terrace in the Mission San Jose Planning Area. The applicant's architect indicates that the proposed design is influenced by Mediterranean style architecture.

Site Planning: The proposed project on Lot 8 at 45670 Montclair Terrace is located within the Montclair II Planned District (P-96-12). The majority of this 17-lot Planned District is developed with custom residences, except for a few residences that are currently under construction and one other undeveloped lot (Patel Residence, Lot 5 at 45651 Montclair Terrace) that is scheduled for reconsideration by the Planning Commission at its next meeting.

The subject lot, Lot 8, is approximately 18,698 square feet (or 0.43 acres) in size and is situated at the southern end of Montclair Terrace's hammerhead shaped cul-de-sac. Lot 8 only is partially visible from the residential development off of Cougar Circle to its south due to its separation by an existing creek embedded with a grove of mature, native trees and vegetation. To its north, Lot 8 will not visually impede views of residents within the Aguila Terrace development (p-88-2), as the closest lot in that development is situated at least 110 feet above the subject lot.

The required setbacks for this lot, per conditions of the Planned District, are: a 25-foot front yard setback, 15-foot side yard setbacks (17.5-foot setbacks on street sides) and a 35-foot rear yard setback. Additionally, the maximum height for the principal structure is 30 feet. The revised project now complies with all these standards.

Design Analysis:

- **Architecture:** The proposed residence before the Planning Commission is completely redesigned in appearance. The applicant's architect indicates that the design of the residence is influenced by a Mediterranean style of architecture (a Prairie influence was previously proposed—see Informational 1). In summary, the architect believes the following elements incorporated in the project are consistent with Mediterranean style architecture: Mission Terra Cotta roofing tiles; projecting balconies with true wrought iron railings; earth tone stucco colors; and, a "Dressed Fieldstone" stucco stone veneer. Additionally, the architect indicates that stucco moldings, horizontal banding, horizontal and vertical jogs of exterior walls and stucco finished eaves adds further enhancements to the project to make it compatible with the existing character of this development.

In recognizing the concerns of the Planning Commission and staff, the applicant's architect has redesigned the residence to better achieve compliance with the approved design guidelines and conditions of the Planned District as well as the Hill Area Development Policy. Although the design character of the residence has changed, much of the concerns of the Planning Commission remain applicable to the proposed project and, therefore, are appropriate in the consideration of the redesigned project. Staff outlines and discusses the Planning Commission's previous concerns below.

- *The previously proposed Prairie style residence featured an excessive and continuous roofline over the library, foyer and master bedroom making the roof visually dominate, not conforming to the approved design guidelines and Hill Area Development Policy.*

Staff response: The architect has redesigned the roofline of the proposed residence, which provides a more interesting and varied roofline. As compared to the previous Prairie style residence, the roofline of the redesigned residence visually better reflects the existing grade of the lot.

- *The two-story garage and recreation room appears massive and bulky and detracts from the main entry as the primary focal feature of the residence.*

Staff response: The architect has redesigned the residence by eliminating the massive recreation room that was located above the two-car garage. Additionally, locations of the two-car and one-car, attached garages are swapped to reduce the dominance of the then two-car garage door directly facing Montclair Terrace.

- *Additional material, such as stone, should be incorporated on the exterior of the residence for visual interest.*

Staff response: The architect has incorporated a “Dressed Fieldstone” stucco stone veneer to all exposed pony walls to add additional visual interest to the design of the residence (Exhibit “C” displayed at meeting).

- *The site plan and architecture should be revised to conform to the site topography, reduced in building bulk and mass, and reduced in the amount of hardscape proposed.*

Staff response: The architect redesigned the residence to reduce its overall floor area by 203 square feet by eliminating the recreation room. Additionally, the applicant considerably reduced the amount of front yard driveway hardscape by 475 square feet by locating the two-car garage closer to the driveway entrance.

Additionally, the architect worked with staff on the proposed Mediterranean style design since its initial redesign submittal (included as Informational 2) to include techniques to reduce the overall appearance of bulk and mass, as further outlined below:

- Added large, arched glazed areas, located on the south (rear) and north (front) elevation facing Montclair Terrace;
- Varied the depth of the planes of the exterior walls, interspersed decks and balconies with true wrought-iron railings (previously decks/balconies extended almost the entire length of the rear wall);
- Reduced the building height at the north (front) and west (right) elevations with inclusion of one-story elements by eliminating the recreation room and varying the roofline;
- Articulated the building façade by changing material at base (pony walls) of residence; added a stone veneer (like cool stone); and,
- Developed a compatible color scheme using beige with brown tone trim and detailing.

The architect notes that this site is very difficult to work with, given its location at the end of a cul-de-sac on a very deep slope. The architect has responded to most of Planning Commission and staff comments to reduce the appearance of bulk and mass of the residence. While staff concurs that site is challenging, staff believes that the proposed residence can benefit from some additional refinements, which include: reduce in size or reconfigure bedroom 4 on the upper level and bedroom 2 on the lower level to remove all improvements (i.e., the retaining wall) proposed in the constrained area at the northeast corner of the lot (which exceeds a slope of 30 percent—Condition B-4); reduce in size and modify upper balconies at the living and family rooms to be cantilevered consistent with the Hill Area Development Policy (Condition B-1); provide architectural details, including trim, windows, window frames and doors (window surrounds as shown on elevations are too bulky—Condition B-2); and, columns, trim treatment and upper arched window above doors at front entry need to be redesigned to better fit with scale of entrance (Condition B-3).

With implementation of the above refinements, staff believes that the residence would be consistent with the conditions and guidelines adopted for the Planned District. However, should the Planning Commission find that the redesigned residence as conditioned does not meet the Planned District’s design criteria or Hill Area Development Policy, direction should be provided for the applicant and staff.

Landscaping: The proposed project includes 1250 square feet of paving to provide access and back-up space for two garages and the main entrance located in the front yard. The architect explored the possibility of revising the floor plan to provide a single three-car garage (with tandem parking). However, the architect indicates that the steepness of the lot results in a more massive and bulky residence in order to achieve a functional tandem space.

In general, the landscaping moderately reflects a Mediterranean palette. The applicant proposes a Queen Palm at the northeast corner of the site, flanking the right side of the driveway and adjacent to Montclair Terrace. A row of Jacaranda trees are proposed along the west and north side of the residence. Three Coast Live Oak trees are proposed in the rear yard on the east side of the residence. Shrubs and groundcover include: Loropetalum, India Hawthorn, Fortnight Lily, Purple Lantana, Bronze Flax, Periwinkle, Rosemary, and Ornamental Strawberry. Lilac vines will be grown on the metal lattices used to screen the lower story decks.

Staff believes the landscape plan is acceptable, but finds that further enhancements to the plan are necessary during the Development Review process of this project to make it reflect more of a Mediterranean palette (Condition C-4). In addition, a minimum plant and tree size requirements will be required as a condition to insure an advanced growth, particularly a 24-inch box minimum requirement for the slow growing Jacaranda and Coast Live Oak trees (Condition C-2). The combination of Lilac vines that are known to be good against trellises/lattices and vertical shrubs, such as Loropetalum at the south (rear) side of the residence that grow 6 to 10 feet in height, should soften the appearance of the residence at the rear (Condition C-3).

Circulation/Access Analysis: Access to the residence will be from Montclair Terrace, an existing residential private street constructed as part of the Tract 6854 subdivision improvements. Vehicular access to the garage and pedestrian access to the house is proposed via the driveway. The proposed driveway slopes down from the street at a maximum grade of eighteen percent for approximately fifteen feet, after which the grade flattens to approximately seven percent.

Grading/Topography: City Council approved planned district P-96-12i and preliminary grading plan GP-96-16A on July 28, 1998. The conditions of approval for both stated: "No grading is approved for Lot 8." The conditions required that a final grading plan for lot 8 must be reviewed and approved by the City Engineer. On April 20, 2000 a grading permit was issued to the owner of lot 8 to remove fill deposited without a permit and to establish the approved grading plan for this site. The permitted grading was not done and the permit expired.

After the grading permit was issued for the project site, building permits were issued to both neighboring properties, Lot 7 and Lot 9. During construction of the neighboring houses, encroachment occurred into the project site. The encroachment included storage of materials and some non-permitted grading. Because the permitted grading was not done and because undocumented encroachments onto the project site occurred, staff directed the applicant to prepare the development plans based upon a recent site-specific topographic survey. According to the project civil engineer, the grades shown on the plans were surveyed on August 26, 2002.

The project site is steep, sloping down at approximately 32 percent from Montclair Terrace to approximately 29 to 30 percent slope. Behind the residence the slope increases within the proposed open space between the home and an existing creek along the southern property line. Site elevations range from approximately 351 feet at the street to 307 feet within the creek at the southwestern corner. The project civil engineer has indicated that the only area on the site, which exceeds 30 percent, is in the northeast corner. Staff recommends that the northeast corner of the house and the exterior retaining wall be revised to eliminate encroachment into this 30 percent slope. Otherwise, Planning Commission must find and determine that the proposed encroachment will not conflict with the purposes and intent of the Hill Area development policy.

The project includes exterior retaining walls along the northern edge of the driveway and along the northwest side of the house. The retaining walls are needed to allow driveway pavement slopes less than 20 percent. All retaining walls shall be limited to a maximum height of 3 feet and shall be made of reinforced concrete. All grading for the new house is subject to review and approval by the City Engineer during the Development Organization review process. The project civil engineer estimates of earthwork quantities are 300 cubic yards of cut and 100 cubic yards of fill, for a total grading quantity of 400 cubic yards. A grading permit shall be required in conjunction with the building permit.

Drainage: The storm drainage system for this site is a natural creek along the southern property line. There is an existing concrete v-ditch within the 10-foot wide Private Storm Drain Easement (PSDE) along the eastern property line. The project proposes to connect part of the on-site storm drain system to this v-ditch. The remaining on-site storm drains are proposed to connect to a T-dissipator behind the house. The on-site storm drainage system shall be subject to staff review and approval during Development Organization.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Enclosures: Exhibit "A" (Site Plan, Floor Plans, Elevations, Preliminary Landscape Plan)

Exhibits: Exhibit "A" (Site Plan, Floor Plans, Elevations, Preliminary Landscape Plan)
Exhibit "B" (Conditions of Approval)
Exhibit "C" (Color and Sample Material Board)

Informational: Informational 1 (Submittal to Planning Commission in January of 2001)
Informational 2 (Initial submittal of redesign to staff)
Informational 3 (Design concept statement)

Recommended Actions:

1. Hold public hearing.
2. Approve PLN2001-00100, as shown on Exhibit "A" and "C", subject to the conditions of approval set forth in Exhibit "B".

Existing Zoning P-96-12
Shaded Area represents the Project Site



Existing General Plan Residential, Low (2-3.5 DU/AC)

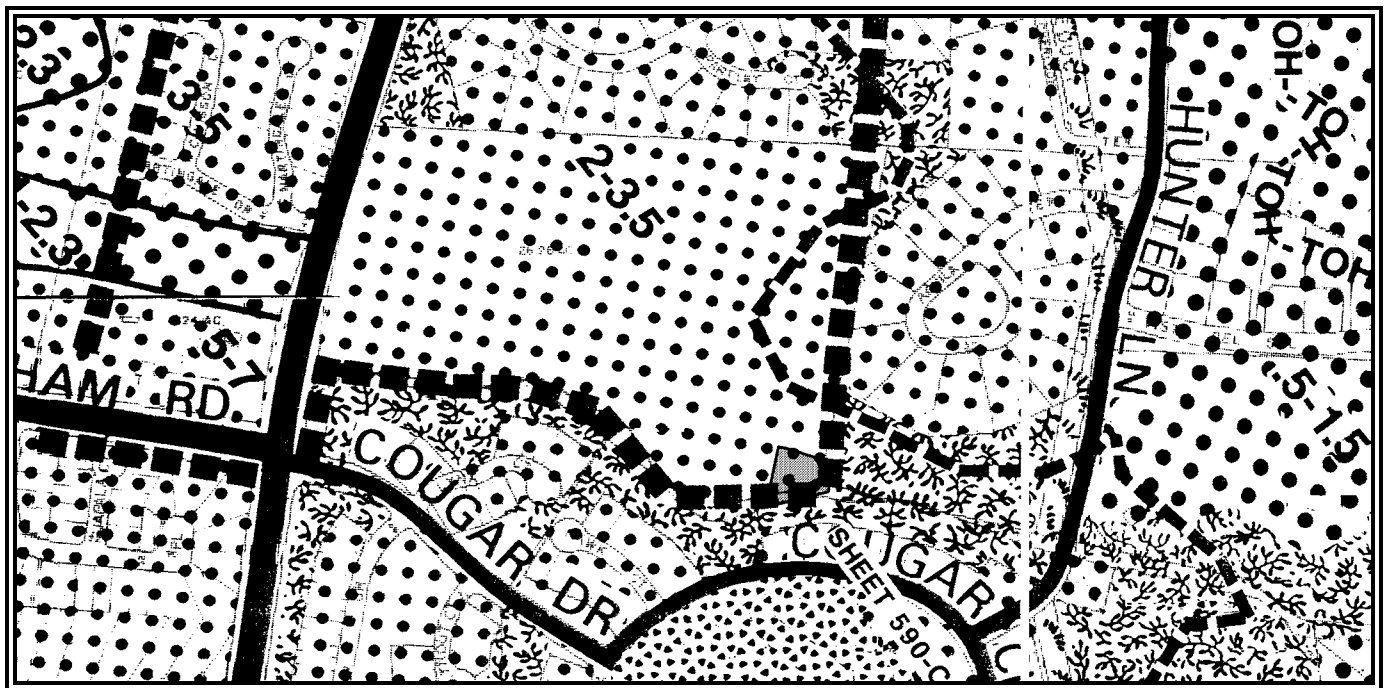


Exhibit "B"
Findings and Conditions of Approval for PLN2001-00100
Harshad Patel Residence – Planned District Minor Amendment
45670 Montclair Terrace (Lot 8)

The conditions below are made on the basis of information contained in the staff report and information from the public hearing to the Planning Commission dated August 28, 2003, incorporated herein by reference:

CONDITIONS OF APPROVAL:

General Conditions:

- A-1 The project shall conform with Exhibit "A" (Site, Architecture, Landscape, and Grading Plans), Exhibit "C" (Color and Material Sample Board), all conditions of approval set forth herein, and all conditions of approval of Planned District P-96-12I and GP-96-16A.
- A-2 Plans shall be submitted to the Development Organization shall comply with all applicable local, state and federal building and fire code requirements.
- A-3 Plans shall be submitted to the Development Organization for review to insure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-4 Minor revisions to plans may be permitted within the overall context of the approved design concept, subject to the approval of the Planning Director during the Development Organization review process.
- A-5 The project shall be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, capital facilities and traffic impact. Park dedication in-lieu fees have been paid previously with approval of the final subdivision map. These fees shall be calculated at the rate in effect at the time of building permit issuance.
- A-6 Construction activities shall be limited to the following hours of operation:
 - 7 a.m. to 7 p.m. Monday through Friday
 - 9 a.m. to 6 p.m. Saturday
 - No construction activities allowed on Sunday

Failure to comply with the above mentioned hours of operation results in the withholding of inspections.

Architecture, Grading and Site Plan Conditions

- B-1 Reduce in size and modify upper balconies at the living and family rooms to be cantilevered consistent with the Hill Area Development Policy.
- B-2 Architectural details, including trim, windows, window frames and doors, must be provided in plans submitted to the Development Organization (D.O.). These details shall be subject to the review and approval of D.O. staff.
- B-3 Columns, trim treatment and upper arched window above doors at front entry shall be redesigned to better fit with scale of entrance.
- B-4 Reduce in size or reconfigure bedroom 4 on the upper level and bedroom 2 on the lower level to remove all improvements (i.e., the retaining wall) proposed in the constrained area at the northeast corner of the lot (which exceeds a slope of 30 percent).

- B-5 All mechanical equipment, including air conditioning units and PG&E meters, shall be screened from view from adjacent public rights-of-ways and other uses, subject to review and approval during the Development Organization process.
- B-6 No antennas, including satellite dish antennas, shall be placed on the roof or in the front or side yard areas adjacent to the public rights-of-way. All antennas shall be screened from view from the public rights-of-way, subject to the review and approval of staff during the Development Organization review process.
- B-7 Garbage or trash containers shall be suitably concealed behind permanent screening or fencing or located within the garage, subject to review and approval of staff during the Development Organization review process.
- B-8 No exterior lighting shall be permitted except that which has a concealed source, subject to the review of staff during the Development Organization review process.
- B-9 During Development Organization review the applicant shall obtain a final grading permit in conjunction with the building permit. A professional engineer registered in the State of California must prepare the final grading plan. Grading shall be subject to the approval of the City Engineer.
- B-10 The developer shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer. A separate plan shall be submitted for this purpose.
- B-11 All retaining walls shall be limited to a maximum height of three feet. All retaining walls supporting surcharge or retaining walls over 12 inches in height shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12 inches or less in height. Retaining walls supporting surcharge shall require a building permit.
- B-12 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides which can contribute to runoff pollution.
- B-13 During construction, the contractor shall maintain temporary construction fencing to delineate the limits of work, along the drip line of the trees near the creek. The development plans shall show the location and details of the construction fencing, subject to review and approval of staff during Development Organization.
- B-14 The contractor shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- B-15 The project plan shall include erosion control measures to prevent soil, dirt, debris, or other pollutants from entering the storm drain system during and after construction. A separate plan shall be submitted for this purpose and shall be subject to staff review and approval during the Development Organization process.
- B-16 The contractor is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

Landscaping

- C-1 A final landscape plan shall be submitted indicating full details regarding (1) paving materials and textures of walkways, (2) lighting of walkways and driveways with low intensity, non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and parkway areas.

As part of the landscape plan, the applicant shall submit to the Development Organization:

- 1) An underground irrigation plan.

- 2) Weed control specifications.
 - 3) A lighting plan for the illumination of the building, driveways and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - 4) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate.
 - 5) City of Fremont standard tree preservation notes.
- C-2 A minimum plant and tree size requirements will be required, as follows: a 24-inch box minimum is required for the Jacaranda and Coast Live Oak trees; a 5-gallon minimum is required for all shrubs and the Lilac vines; and, a one-gallon minimum is required for all groundcovers.
- C-3 Lilac vines shall be proposed and attached to lattices at all locations underneath decks.
- C-4 The applicant shall work with staff during the Development Organization to further the enhance the landscape plan to reflect a Mediterranean plant palette.
- C-5 his lot shall have only open fencing, subject to the review and approval of staff during the Development Organization review process, per condition A-29 of the Planned District (P-96-121).
- C-6 Special paving treatments shall be provided at identified locations of driveway as shown on approved plans as wells as any proposed future patios and terraces. Paving shall be colored, textured, and/or scored concrete or similar material subject to review and approval during the Development Organization process.
- C-7 All required landscaping shall be installed prior to the issuance of occupancy permits for the residence, subject to the review and approval of staff through the Development Organization review process.

During Construction

- D-1 Prior to installation of the stucco coat, the applicant or the applicant's representative, shall request an inspection of the residence by the project planner in order to ensure compliance with all of the architectural detailing of the building as specified in the approved drawings.
- D-2 The property owner shall be responsible for litter control and sweeping of all paved surfaces. All on-site storm drains shall be cleaned immediately before the start of the rainy season beginning on October 15 each year, subject to the review of the Building/ Public Works Inspector.
- D-3 Construction activities shall be limited to the following hours of operation:
- 7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. on Saturday

Failure to comply with the above-mentioned hours of operation will result in revocation of permits.

Prior to Release of Building for Occupancy

- E-1 The Project Architect shall submit a letter to the City certifying the building has been constructed in conformance with the approved architectural plan, subject to the review and approval of the Planning Director.
- E-2 All landscaping and wetband treatments shall be completed, except where modified herein by conditions, as indicated in Exhibit "A", Landscape Plan. The Project Landscape Architect shall submit a letter to the Planning Division that all landscape improvements have been installed in compliance with the adopted landscape and grading plan prior to release of building for occupancy. **No improvements may be installed or encroachments of any kind permitted in the riparian area abutting at the rear of the subject lot.**